

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION

ERWIN WENDALE HARDWICK,)
)
Petitioner,)
)
vs.) Case No. 4:13-cv-848-KOB-TMP
)
FRANK ALBRIGHT, Warden; *et al.*,)
)
Respondents.)

MEMORANDUM OPINION

The magistrate judge filed his report and recommendation on October 8, 2014, recommending dismissal of petitioner's 28 U.S.C. § 2241 petition for *habeas corpus* relief for failure to exhaust available state court remedies. (R. 14). No party filed any objections.

Having now carefully considered *de novo* all the materials in the court file, including the report and recommendation, the court ADOPTS the magistrate judge's report and ACCEPTS his recommendation that the court dismiss this action without prejudice. The court finds that the petition for *habeas corpus* relief pursuant to 28 U.S.C. § 2241 in the above-styled cause is due to be DISMISSED WITHOUT PREJUDICE for failure to exhaust available state court remedies.

DONE and ORDERED this 17th day of November, 2014.



KARON OWEN BOWDRE
CHIEF UNITED STATES DISTRICT JUDGE